

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HELEN SCHWALB,

*Plaintiff,*  
- against -

CITY UNIVERSITY OF NEW YORK,  
QUEENS COLLEGE,

Defendant.

**DEFENDANT’S  
STATEMENT OF  
UNDISPUTED MATERIAL  
FACTS PURSUANT  
TO LOCAL  
RULE 56.1**

25 Civ. 2616 (HG)

Pursuant to Rule 56.1 of the Local Civil Rules of the Eastern and Southern District of New York, Defendant the City University of New York (“CUNY”),<sup>1</sup> by its attorney, New York State Attorney General LETITIA JAMES, hereby submits the following statement of material facts as to which there are no genuine issues in dispute and which therefore entitles Defendant to summary judgment as a matter of law.

**A. Plaintiff and Her Employment at Queens College**

1. Plaintiff Helen Schwalb (“Plaintiff”) was hired as an adjunct lecturer in the Accounting and Information Systems Department (the “AIS Department” or “Department”) at Queens College in 2012. First Amended Complaint, dated June 12, 2025 (“Compl.”), ¶ 11 (ECF No. 10); Deposition of Plaintiff Helen Schwalb, taken on October 27, 2025 (“Pl. Dep.”), at 27:2-5 (Ex. A to Declaration of Elyce N. Matthews, dated January 16, 2026 (“Matthews Decl.”)). She was hired for a semester term and was subsequently reappointed multiple times through 2017.

2. Plaintiff was reappointed for a three-year term in 2017, for the term Fall 2017 –

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<sup>1</sup> Queens College is a senior college in the CUNY system and is not a “legally cognizable entity apart from CUNY.” *Clissuras v. City Univ. of N.Y.*, 359 F.3d 79, 81 n.2 (2d Cir. 2004) (per curiam), cert. denied, 543 U.S. 987 (2004).

Spring 2020, and was reappointed again in June 2020, for the term Fall 2020 – Spring 2023. Pl. Dep., at 27:17-22 (Ex. A to Matthews Decl.).

**B. The AIS Department**

3. Between 2022 and 2023, the Department hired seven full-time faculty members: four tenure-track faculty members and three full-time lecturers. Declaration of Ivy Huang, dated January 14, 2026 (“Huang Decl.”), ¶¶ 3, 4; Deposition of CUNY’s 30(b)(6) witness, Ekaterina Pechenkina, taken on November 21, 2025 (“CUNY 30(b)(6) Dep.”) at 22:3-12 (Ex. B to Matthews Decl.).

4. Between 2015 and 2023, enrollment in the Department’s classes decreased by approximately 50%. April 24 and May 1, 2023 Emails from Ivy Huang to P&B Committee (Bates No. CUNY 00000396 – 00000399 and CUNY 00000430 – 00000431) (Ex. A to Huang Decl.).<sup>2</sup>

5. When a department has lower enrollment, it has fewer students and, thus, it offers fewer classes. CUNY 30(b)(6) Dep. at 21:19-22:2 (Ex. B to Matthews Decl.).

6. For example, as the Queens College Course Information System shows, the Department’s numbers reflected lower enrollment and fewer course offerings during this period: in Fall 2021, the Department offered 111 course sections (with an enrollment of 3,292); in Fall 2022, the Department offered 101 course sections (with an enrollment of 2,522); in Fall 2023, the Department offered 84 course sections (with an enrollment of 2,212); and in Fall 2024, the Department offered 74 course sections (with an enrollment of 2,209). Huang Decl. ¶ 11.

**C. Plaintiff’s Non-Reappointment in May 2023**

7. In Spring 2023, Plaintiff’s three-year appointment was coming to an end, and she

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<sup>2</sup> These documents were produced as Excel spreadsheets; for filing purposes, they were converted to PDF. We are happy to provide the Court with a copy of the documents as Excel spreadsheets.

was under consideration for a new three-year appointment in the AIS Department at Queens College, along with ten other adjunct faculty members whose three-year appointments were ending. April 24 and May 1, 2023 Emails from Ivy Huang to P&B Committee (Bates No. CUNY 00000396 – 00000399 and CUNY 00000430 – 00000431) (Ex. A to Huang Decl.).

8. The decision of which adjuncts in the AIS Department are reappointed or non-reappointed to three-year appointments is made by the Department’s Personnel and Budget Committee (“P&B Committee”). Deposition of Ivy Huang, taken on November 11, 2025 (“Huang Dep.”) at 27:25-28:11; 32:11-33:5 (Ex. C to Matthews Decl.); Huang Decl. ¶ 6.

9. There is no presumption of continuous appointments for adjunct professors. Appendix E to the Agreement between the City University of New York and the Professional Staff Congress/CUNY (Bates No. CUNY 240) (Ex. D to Matthews Decl.).

10. In May 2023, the members of the Department’s P&B Committee were Arthur Adelberg, Barry Leibowicz, Ivy Huang, Fang Sun, and Tao Sun. Huang Dep. at 36:22-25; 86:21-87:4 (Ex. C to Matthews Decl.); Huang Decl. ¶ 8. Ivy Huang was the Department Chair. Huang Dep. at 9:23-25 (Ex. C to Matthews Decl.); Huang Decl. ¶ 1.

11. In advance of the P&B Committee’s vote on the reappointment of the eleven adjuncts up for consideration, Dr. Huang provided the P&B Committee data regarding, *inter alia*, the names of the eleven adjuncts who were eligible for new three-year appointments, the teaching specializations of full-time faculty members, and the Department’s course assignments for the period 2020 – 2023. April 24 and May 1, 2023 Emails from Ivy Huang to P&B Committee (Bates No. CUNY 00000396 – 00000399 and CUNY 00000430 – 00000431) (Ex. A to Huang Decl.).

12. In the Spring 2023, the Department was informed by the Dean that it should anticipate a 15-20% budget decrease for the academic year beginning in the Fall 2023 (2023-24).

April 24 and May 1, 2023 Emails from Ivy Huang to P&B Committee (Bates No. CUNY 00000396 – 00000399 and CUNY 00000430 – 00000431) (Ex. A to Huang Decl.).

13. Generally, when the Department has a budget cut, it means that the Department decreases the number of courses offered. Huang Dep. at 78:2-11 (Ex. C to Matthews Decl.); Huang Decl. ¶¶ 10, 11.

14. In the Spring 2023, when considering whether to reappoint the adjunct professors whose appointments were ending, the P&B Committee looked at the teaching specializations of full-time faculty members, because full-time faculty members are contractually obligated to teach a specific number of classes each semester pursuant to the union contract. Huang Dep. at 68:22-70:20 (Ex. C to Matthews Decl.); Huang Decl. ¶¶ 9, 13.

15. Of the 20 full-time faculty members in the Department, 16 of them specialized in Financial Accounting, meaning they could teach Financial Accounting classes. April 24 and May 1, 2023 Emails from Ivy Huang to P&B Committee (Bates No. CUNY 00000396 – 00000399 and CUNY 00000430 – 00000431) (Ex. A to Huang Decl.); Huang Decl. ¶ 13; CUNY 30(b)(6) Dep. at 27:7-22 (Ex. B to Matthews Decl.).

16. The P&B Committee looked at the adjunct professors' course assignments for the previous six semesters to determine which classes should be re-assigned to full-time faculty members. Huang Dep. at 68:22-70:20 (Ex. C to Matthews Decl.); Deposition of Arthur Adelberg, taken on November 12, 2025 ("Adelberg Dep.") at 13:21-14:21 (Ex. E to Matthews Decl.); CUNY 30(b)(6) Dep. at 40:19-42:5 (Ex. B to Matthews Decl.); Huang Decl. ¶ 13; Declaration of Arthur Adelberg, dated January 14, 2026 ("Adelberg Decl."), ¶ 12.

17. In the Spring 2023, after looking at the teaching specializations of the full-time faculty and the prior course assignments for adjunct faculty, the P&B Committee voted to

reappoint five adjunct professors in the Department to three-year appointments and to non-reappoint six professors in the Department. Huang Decl. ¶¶ 16, 17; Adelberg Decl. ¶¶ 11, 12.

18. The Department voted to non-reappoint six adjunct professors, four of whom had taught only financial or managerial accounting courses in the prior three academic years, because those courses could be taught by the Department's full-time faculty. Huang Decl. ¶ 17; Adelberg Decl. ¶ 12. Specifically, in the previous three years, Plaintiff had only taught financial accounting courses, and the Department had recently hired full-time faculty who were able to teach those courses.

19. The Department reappointed five adjunct professors, because their services were still needed due to their teaching specialties, including both subject-matter and level (graduate vs. undergraduate). Huang Decl. ¶ 16; Adelberg Decl. ¶ 17; CUNY 30(b)(6) Dep. at 27:7-28:13 (Ex. B to Matthews Decl.).

20. The P&B Committee, including Arthur Adelberg, Barry Leibowicz, and Tao Sun unanimously voted to non-reappoint Plaintiff. Huang Decl. ¶¶ 8, 15, 17; Adelberg Decl. ¶¶ 5, 9.

21. Arthur Adelberg and Barry Leibowicz were on the P&B Committee in 2020 when the P&B Committee voted to appoint Helen Schwalb to a second three-year appointment. Huang Decl. ¶ 7; Adelberg Decl. ¶ 13.

22. The P&B Committee did not discuss the religion of any adjunct faculty member during the reappointment consideration process nor did religion play a role in the Committee's decision to vote to reappoint or non-reappoint any of the adjunct faculty members. Huang Decl. ¶ 19; Adelberg Decl. ¶ 14.

Dated: New York, New York  
January 16, 2026

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